

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JOSH POTAMIS

Plaintiff,

vs.

LVNV FUNDING, LLC,

Defendants.

CIVIL ACTION NO.:

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGES AND CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant, LVNV Funding, LLC ("LVNV"), hereby removes to this Court the above-entitled action based upon the following supporting grounds:

1. On or about March 20, 2012, an action ("the Complaint") was commenced against the above-named defendants in the Trial Court for the Commonwealth of Massachusetts, Small Claims Session, captioned *Josh Potamis v. LVNV Funding, LLC*, Docket no. 1213SC538. A copy of the Complaint and service upon LVNV is attached as Exhibit A.
2. On or about March 23, 2012, LVNV was served with a copy of the Complaint. The time in which LVNV has to file a responsive pleading has not yet expired.
3. Removal is timely under 28 U.S.C. § 1446(b), as thirty (30) days have not elapsed since LVNV first received a copy of the Complaint.
4. The plaintiff, Josh Potamis ("Plaintiff"), is an individual residing at 21 Emerald Road, Nahant, Massachusetts.
5. LVNV is a Delaware limited liability company.

6. Plaintiff's Complaint purports to state a claim under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq.*

7. 15 U.S.C. § 1681 *et seq.* is a Federal statute which provides, among other things, that a consumer can file a civil action when furnishers of credit information improperly report that information to consumer credit reporting agencies.

8. Pursuant to 28 U.S.C. § 1331, the Court has original jurisdiction over this matter as the Plaintiff's claims under 15 U.S.C. § 1681 arise under the laws of the United States.

9. Removal of this action to this Court is permissible under the provisions of 28 U.S.C. § 1441 in that it is a civil action founded on a claim or right arising under the laws of the United States.

10. In accordance with 28 U.S.C. § 1446(d), written notice of the filing of this removal notice will be given to Plaintiff and will be filed with the Clerk of Courts for Lynn District Court, Small Claims Division, following the filing of this notice.

11. In submitting this Notice of Removal, LVNV reserves all defenses, including lack of personal jurisdiction.

WHEREFORE, Defendant, LVNV Funding, LLC, hereby removes this action from the Lynn District Court, Small Claims Session to the United States District Court For The District Of Massachusetts.

Respectfully submitted,  
LVNV FUNDING, LLC  
By Its Attorneys,

/s/ Ranen S. Schechner


Ranen S. Schechner, BBO #655641  
Andrew M. Schneiderman, BBO #666252  
Hinshaw & Culbertson LLP  
One International Place, 3rd Floor  
Boston, MA 02110  
617-213-7000

Date: April 23, 2012

**CERTIFICATE OF SERVICE**

I, Ranen S. Schechner, hereby certify that on this 23<sup>rd</sup> day of April, 2012, I served a true and accurate copy of the foregoing document to counsel of record via facsimile and First Class mail as follows:

Josh Potamis  
21 Emerald Road  
Nahant, MA 01908

A handwritten signature in black ink, appearing to read 'Ranen S. Schechner', written over a horizontal line.

Ranen S. Schechner